

Exhibit D



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ATTORNEY GENERAL OF TEXAS

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September 2, 2016

Via Email

Ezra Rosenberg
Co-Director, Voting Rights Project
Lawyers' Committee for Civil Rights Under Law

Re: *Veasey, et al. v. Abbott, et al.*

Dear Mr. Rosenberg:

We write in response to your letter dated August 30, 2016, regarding an article published by the *Houston Press* on August 26, 2016, sent on behalf of the Private Plaintiffs. We also write to raise our concern about a Democratic Party official's inaccurate statements regarding the interim remedy.

You contend that certain statements made by Harris County Clerk Stan Stanart were intended to intimidate voters. You refer specifically to the following three sentences from the *Houston Press* article:

Stanart says he will investigate everyone who signs that form to insure they are not lying.

"Whether anything happens, that's up to the [Harris County District Attorney's Office]."

But after the votes are counted and the election ends, Stanart said his office will be checking to see whether a person who signed the sworn statement has a Texas Department of Public Safety-issued ID through the DPS database.

The first and third sentences are statements by the *Houston Press* reporter, not quotations attributed to Mr. Stanart. We do not know if they are based on statements by Mr. Stanart or if they merely represent the reporter's interpretation of his statements, whether quoted in the article or not. To the extent they reflect the reporter's interpretation of statements not quoted in the article, we have no way to know what Mr. Stanart said or what questions the reporter asked.

As for the quotations attributed to Mr. Stanart, we disagree that they have the effect of intimidating voters. The article quotes Mr. Stanart as making the following statements:

“If I suspect someone has fraudulently signed a form saying they don't have that ID, then I think that's an issue,” he said. “You can't skip around the photo ID requirement. It's an oath that people are signing. Whether anything happens, that's up to the [Harris County District Attorney's Office].”

“We will always lean to the benefit of the voter—we don't want people to fall into a trap,” Stanart said. “But we do want people to understand, if they have an existing photo ID, they must bring it.”

Those statements provide no reason to believe that the Harris County clerk “will engage in a wholesale investigation of every voter who signs a Reasonable Impediment Affidavit,” nor do they “indicate a blanket reference for possible prosecution” of every voter “who was at one time issued an SB 14-qualifying DPS photo ID.” To the extent the quotations attributed to Mr. Stanart include statements of fact, they appear to be accurate. To the extent they reflect Mr. Stanart's personal opinions, they appear to be reasonable and consistent with both the Fifth Circuit's opinion and the interim remedy.

We disagree with your suggestion that verifying possession of DPS-issued identification “would unduly single out those voters who have already been found to be victims of discrimination and who are the intended beneficiaries of the Interim Remedy.” Voters who have obtained a valid DPS-issued photo ID cannot possibly claim to be “victims of discrimination.” SB 14 imposed no burden on them, and the interim remedy does not purport to grant them any benefit. The only individuals who could claim to have faced any potential harm from SB 14—and the only voters to whom the interim remedy applies—are those who lack the documents necessary to obtain an acceptable photo ID or lack the financial means to obtain either underlying

documents and an acceptable photo ID, and cannot cast a ballot as a result.

We also disagree that any of the quoted statements attributed to Mr. Stanart in the *Houston Press* article are “extraordinarily intimidating,” “chilling,” or improper in any way. Fraudulent execution of a reasonable impediment declaration is a crime. We will not suggest to any voter that falsely executing a reasonable impediment declaration is acceptable, nor will we advise any other person to do so. Any statement to that effect would be incorrect, irresponsible, and contrary to the goal of educating voters about the interim remedy. The State Defendants will not ask local district attorneys or election officials to ignore such crimes, nor will they dictate investigation tactics to local law enforcement.

We cannot confirm or deny that Mr. Stanart made any particular remark to a reporter from the *Houston Press*. Mr. Stanart is the Harris County Clerk; he is not an employee or agent of any of the named State Defendants in this case. The State Defendants do not have any control over Mr. Stanart or his dealings with the press.

Nor can we agree to “seek to cure the effects” of “publicity” created by the *Houston Press*. The State Defendants have no control over the *Houston Press* or its reporters, and we accept no responsibility for their publications or reporting.

While you object to statements Mr. Stanart may or may not have made to the *Houston Press*, we have serious concerns about statements that the Democratic Party is unquestionably disseminating to voters. The Montgomery County Democratic Party Chair has informed voters that they do not need to present an SB 14-compliant ID when voting, even if they have one. *See Exhibit A* (“You may vote with a SB14 ID, if you have one. It is highly recommended that you use one of these ID’s if you have the ID, but you are not required to do so, even if you have one of the SB14 ID’s.”). The Party Chair has also advised voters “that election judges cannot send you home to get your ID just because you forgot it, in my opinion,” and that a reasonable impediment affidavit “is not going to be challenged (should not be, at least, under the judge's order), even if you have an acceptable form of photo ID.” This guidance blatantly disregards the Interim Remedy Order.

The Montgomery County Democratic Party Chair’s statements show why it must be clear to voters that the reasonable impediment declaration is only available to voters who are unable to obtain an SB 14-compliant ID. The purpose of the Interim Remedy Order is to accommodate voters who are unable to obtain an SB 14-compliant ID due to a legitimate reasonable impediment, such as a financial barrier to obtaining

a valid ID. Individuals who have an acceptable form of ID but left it at home—or who choose not to show it, “even if [they] have one”—are not the intended beneficiaries of the court’s order.

Sincerely,

/s/ Angela V. Colmenero

Angela V. Colmenero

Chief, General Litigation Division

Office of the Attorney General of Texas

EXHIBIT A

From: Montgomery County Democratic Party <montgomerycounty@democratic-party.ccsend.com> on behalf of Montgomery County Democratic Party <mcdpoffice@gmail.com>
Sent: Thursday, August 25, 2016 6:34 PM
To: Harvey, Suzie
Subject: MCDP News August 25, 2016

Having trouble viewing this email? [Click here](#)

The Montgomery County Democratic Party - helping to turn Texas Blue!



August 25, 2016

It's a busy time in Montgomery County for the Democratic Party!

Included in this issue of the MCDP Newsletter, you will find...

Upcoming Events

From the Chair

Opportunities in the Progressive Movement

Hillary Campaign items are currently available at the party Headquarters!



Upcoming Events

August

Tuesday, Aug 30 - 6:00 pm - 8:30 pm, GOTV Phone Banks

At MCDP Headquarters in Conroe

Volunteers for Montgomery County will make phone calls to get out the vote for Hillary Clinton and/or local candidates for the November 8 election. All volunteers should bring a cell phone and laptop/tablet with chargers and

invite friends. Refreshments will be provided. To sign up go to HillaryClinton.com/events or just drop in.

Thursday, Aug 25, 6:30 - 8:00 pm, VDR Orientation
At MCDP HQ in Conroe - More information [here!](#)

Final Friday Meetup, Aug 26, 7:00 pm
Montgomery County Democratic Party hosts a social meetup at Headquarters in Conroe. Join us for an informal gathering to meet local Democrats and featured speakers. Guest Speaker TBA

Saturday, Aug 27, 11:00 am - 2:00 pm, GOTV Phone Bank
At MCDP Headquarters in Conroe

Monday and Tuesday, Aug 29/30, 10:30 am - 1:30 pm, Voter Registration Drive
At Lone Star College Campus in the the Woodlands.

Wednesday, Aug 31. 10:30 am - 1:00 pm - Voter Registration Drive
At Lone Star College Campus in Conroe

September

Thursday Sept 1, 11:00 am - 1:30 pm, Voter Registration Drive
At Lone Star College Campus in Kingwood and
10:30 am - 1:00 pm at Lone Star College Campus in Conroe

Friday, Sept 2, 1:30 pm, Voter Registration Drive
At the Mosque on 1488

Tuesday, Sept 6, 13, 20, 27 - 6:00 pm - 8:30 pm, GOTV Phone Banks
At MCDP Headquarters in Conroe
Volunteers for Montgomery County will make phone calls to get out the vote for Hillary Clinton and/or local candidates for the November 8 election. All volunteers should bring a cell phone and laptop/tablet with chargers and invite friends. Refreshments will be provided. To sign up go to HillaryClinton.com/events or just drop in.

Thursday, Sept 8, 10:30 am - 12:30 pm, Voter Registration Drive
At Splendora High School

Thursday, Sept 15, 6:45 am - 11:31 am, Voter Registration Drive
At Willis High School

Thursday, Sept 15, 5:00 pm at Headquarters: DFA Film

Sunday, Sept 18, Time TBA, MCDP Fall Fundraiser BBQ

at Willis Community Center

Wednesday, Sept 28, 6:00 pm Progressive Meetup
At Fuddruckers in The Woodlands

Friday, Sept 30, 7:00 pm, MCDP Final Friday meetup
at Conroe Headquarters, join us for a social gathering to meet local Democrats and featured speakers.



Message from the County Chair

by Marc Meyer

I'm sure that everyone has heard about the changes in the Voter ID law as a result of the Fifth Circuit decision earlier this year. On August 10th, Federal District Judge Nelda Ramos signed off on a plan to allow voters that do not have the valid photo ID's required by SB14 to vote in the November Elections. Highlights of the Order:

- You may vote with a SB14 ID, if you have one. It is highly recommended that you use one of these ID's if you have the ID, but you are not required to do so, even if you have one of the SB14 ID's;
- You may vote with any of the identification that has been considered valid enough, such as the voter registration card, utility bills , paychecks, government checks or other government documents that show the voter's name and address. If you don't have a SB14 ID with you, but you have one of these other documents, you will have to sign a "reasonable impediment" declaration, but you will be allowed to vote on a regular ballot;
- The declaration of reasonable impediment includes the following language: By signing this declaration, I swear or affirm under penalty of perjury that I am the same individual who personally appeared at the polling place, that I am casting a ballot while voting in-person, and I face a reasonable impediment or difficulty that prevents me from getting an acceptable form of photo identification. My reasonable impediment or difficulty is due to the following reason(s):
 - Lack of transportation;
 - Disability or illness;
 - Lack of birth certificate or other documents needed to obtain acceptable photo ID;
 - Work schedule;
 - Family responsibilities;

- Lost or stolen photo ID;
 - Photo ID applied for by not received; or
 - Other reasonable impediment or difficulty.
- Election personnel cannot challenge the reasonableness of the "impediment" to having a SB14 ID. Note that the affidavit does not ask if you have an ID and just didn't bring it or any other reason. It simply says that a reasonable impediment prevents the voter from getting an acceptable form of photo id and doesn't put any time limit on the prevention of getting the ID. I would interpret that very broadly to say if you "lost" your ID at home right before coming to the polls, you have a "reasonable impediment" and can vote with this affidavit;
 - The declaration may only be rejected if there is conclusive evidence that the person completing the declaration is not the person for whom the ballot is being cast. This means there really is still a protection against in-person voter fraud. It just puts the onus on the state to prove the fraud, not the individual to prove their eligibility to vote; and
 - The State must develop a plan and spend \$2.5 million on voter education before the November election.

What this means is that election judges cannot send you home to get your ID just because you forgot it, in my opinion. It is still a best practice to carry the ID with you to the polls, as the secretary of State has issued some guidance on the issue:

"If a voter possesses an acceptable form of photo ID but does not have it at the polling place, the voter will still be permitted to vote provisionally. The voter will have (six) 6 days to present an acceptable form of photo identification to the county voter registrar, or fill out the natural disaster affidavit referenced in the Exemption/Exceptions section below), or the voter's ballot will be rejected."

However, as I noted before, the election clerks cannot challenge the "reasonableness" of the impediment. So it is not going to be challenged (should not be, at least, under the judge's order), even if you have an acceptable form of photo ID.

[Here](#) is a link to the Judges decision.

Texas Secretary of State [Press Releases](#) about Voter ID

Texas Secretary of State Voter ID page [here](#).

Stay tuned for any changes, as the Secretary of State and Montgomery County Elections have not completed all of the changes necessary to implement this plan yet.



Doing More!

Candidate Training - Project LIFT

Project LIFT, a program of the Texas Democratic Party developed to elect candidates to local office, is holding regional trainings again! This time we're looking for local candidates on the ballot this November or even May of 2017. These races are great opportunities to elect progressives to influential positions. This training is for anyone who wants to run for local office or work with people who want to get local progressives elected.

Training will be held:

August 27, 2016 Harris County

11:30 AM- 4:30PM

Area 5 Democrats Campaign Headquarters

3800 Spencer Hwy Suite L, Pasadena, TX 77504

Click [here](#) to RSVP.

There is no charge for this training, but if you would like to donate to offset the expenses incurred by our staff [click here](#).

Submission Information

The MCDP newsletter comes out every two weeks, with the submission deadline being the prior week. Here are the upcoming dates:

Newsletter Date: 9/8/16 - Submission deadline 9/1/16.

Newsletter Date: 9/22/16 - Submission deadline 9/15/16.

Please email submissions to [Darbi Lockridge](#).

If you would like editing assistance for your piece, please turn submissions in as early as possible so that it can go through our editing volunteers.

See what's happening on our social sites:



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Montgomery County Democratic Party | mcdpoffice@gmail.com
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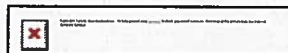
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